



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,659	09/23/2003	Joon Park	51033/JEJ/P197	2068
23363	7590	12/15/2005	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			HOWELL, DANIEL W	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	
			3722	
DATE MAILED: 12/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

g h m

Office Action Summary	Application No.	Applicant(s)	
	10/668,659	PARK, JOON	
	Examiner	Art Unit	
	Daniel W. Howell	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1-11, 15, 16, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 12-14 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9-23-03</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 3722

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Claims 1-5 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1, 2, 3, and 5 of prior U.S. Patent No. 6,637,988. This is a double patenting rejection.

The scope of present claims 1 and 2 is identical to the scope of patented claim 1. Present claims 3, 4, and 5 are identical in scope to that of patented claims 2, 3, and 5, respectively.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 6-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Rushton (2,843,167). Referring to figure 3, note the two plates 42 which are moved toward and away from each other by an actuator/differential screw 28 (actuated by handle 36). The lower plate 42 in figure 3 is considered to be a base having a clamping face, and the upper plate is considered to be a clamp body. Both of the plates have clamping faces which grip door 10. The base has a guide carrier 60 having a drill guide 86 which is perpendicular to the plane of the base clamping face. The guide carrier has bars 72, 74, which slide over edges of the plate 42, and screws 92 extend through the bars to engage detent recesses 94 in order to secure the carrier in a desired

Art Unit: 3722

location. The detents are located at known locations, and as such are considered to constitute “gauging structure.” Scale 96 is also considered to be “gauging structure.” Note clamp guide bars 50, 52. Regarding claim 8, the threaded portion 46 is considered to constitute a nut which cooperates with the differential screw. Regarding claims 9 and 10, pieces 66, 68, constitute bars, and scale 96 constitutes height indicia. Screws 92 constitute a “quick engagement” for fixing the carrier in an adjusted position.

5. Claims 1, 6, 9, 11, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Godefroy et al (1,128,970). Base 12 has a threaded actuator for pulling rod 11, such that opposed clamp body 10 grips the workpiece. Figure 2 shows a guide carrier 22 having a drill insert 28, such that the axis of the insert intersects the plane of the clamping face of the base. The guide carrier 22 is movable along bars 20, 21, in a direction parallel to the plane of the clamping face. Set screw 23 is a quick engagement to couple the guide carrier to the base.

6. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al (5076742). Figure 3 shows a clamping face 50 on plate 11, guide carrier 13 having drill guide 18, and bit 24 having depth indicia 34.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godefroy et al in view of Stellin (2,490,718). Lines 95+ of page 1 of Godefroy disclose that

Art Unit: 3722


different sizes of inserts 28 may be used. The insert appears to simply be placed in bore 27, such that it may slip during use, and may even become lost. Stellin prevents this situation by providing an insert 11 and a bayonet connection between the bushing 12 and insert. In view of this teaching of Stellin, it is considered to have been obvious to have provided Godefroy with an insert to which the bushing connects in order to securely hold the bushing in place.

9. Claims 12-14 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 20 is allowed.

11. Any inquiry concerning the content of this communication from the examiner should be directed to Daniel Howell, whose telephone number is 571-272-4478. The examiner's office hours are typically about 10 am until 6:30 pm, Monday through Friday. The examiner's supervisor, Boyer Ashley, may be reached at 571-272-4502.

In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office actions directly into the Group at FAX number to 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Daniel Howell of Art Unit 3722 at the top of your cover sheet.


Daniel W. Howell
Primary Examiner
Art Unit 3722